

1893-026 Chancery Causes: Adm. of Susan P. Willis vs. J. S. Willis  
Lee Co.

Ely

CA-Debt  
T-Property

-Deed



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lu County Va

Your Orator Thomas S. Galy Haver  
Va. would respectfully show your Honor  
that heretofore to wit on the 2<sup>nd</sup> day of April  
1884. in the Circuit Court of Lu County he  
as Administrator of W<sup>m</sup> A. Willis obtained  
a judgement against one J. S. Willis for  
the sum of \$55.50 with interest thereon  
from the 4<sup>th</sup> day of December 1874 till  
paid and the costs, which costs amounted  
to the sum of \$9.30, which will fully appear  
by reference to said judgement, an abstract  
of which is her filed marked "A"; That at  
the same term of said Court to wit on  
the 31<sup>st</sup> day of March 1884 he in the same  
character obtained a judgement against  
the said J. S. Willis and W. R. Boles for the  
sum of \$36.45 with legal interest there  
on from the 6<sup>th</sup> day of August 1884 till  
paid and the costs amounting to \$9.80. sub  
ject to a credit of \$20.00 paid by said  
Boles on the 30<sup>th</sup> day of December 1883, all  
of which fully appears by said judgement  
an abstract from which is her filed  
marked "B". Upon this debt W<sup>m</sup> R. Boles  
is the surety of the said Willis, who is pri  
marily liable and ought to pay it; That



at the September Term 1884 of the said Court  
To wit on the 8<sup>th</sup> day of September 1884  
he in the same Character, obtained ~~an~~  
~~other~~ Judgment against Wiley Carmack  
and the said J. S. Willis for the sum of \$48.32  
with legal interest thereon from the 3<sup>rd</sup> day  
of July 1874 till paid & the costs which amount  
to the sum of \$9.05 subject to a credit of  
\$10.96 paid November the 9<sup>th</sup> 1875. all of  
which will more fully and at large appear  
by reference to said Judgment, an Abstract  
from which is here filed marked "C" The said  
Wiley Carmack is not now, and has not  
for several years been, a resident of the State  
of Virginia, and he has no estate in Vir-  
ginia shown to your orator; Your orator  
will further show your Honor that at the  
March Term 1885 of the Circuit Court of  
Lee County, to wit, on the 1<sup>st</sup> day of April  
1885. he in the same Character obtained  
another Judgment against the said J. S. Wil-  
lis for the sum of \$219.85 with inter-  
est from the 11<sup>th</sup> day of October 1868 till  
paid and the costs amounting to \$8.48  
subject to a credit of \$91.77 paid July  
4<sup>th</sup> 1883. all of which will fully appear  
by an inspection of said Judgment  
an abstract from which is here filed



Marked "D." Your orator had said  
Judgements docketed in The Judgements  
lien docket of said County so as to per-  
fect in the manner prescribed by law  
the lien there of upon such real estate  
as the said J. S. Willis owns in said Coun-  
ty, which will more fully and at large  
appear by reference to an abstract from  
said lien docket heretofore filed marked "E"

Upon each of these Judgements your or-  
ator has had issued from the Clerk's Office  
of the Circuit Court of Lee County Writs  
of "fi fa" against the goods and chattels  
of the said J. S. Willis, which writs have been  
placed in the hands of one of the Deputy  
Sheriffs of said County and have been  
returned by him "no property found"

Your orator will now show, your Honor  
that these Judgements are all the property  
of the estate of Susan P. Willis of which  
your orator is the Administrator de bonis  
non. Your orator will now show your  
Honor that the whole of said Judgements  
except as shown by the credits endorsed there  
on are still due and owing to your orator  
that they cannot be collected out of the  
personal estate of the said Willis and  
can only be collected by enforcing the  
lien which they constitute on the real



estate which he owns. Your orator will now show your Honor that the said J. S. Willis is the owner of a small but valuable tract of land situated in said County some 4 miles West of the Town of Jonesville adjoining the lands of Thomas S. Ely Francis Holliday and others, on which upon which said judgments are liens, for a more particular description of this land reference is had to the deed of J. R. Ely ~~to~~ to J. S. Willis now of record in the Clerk's office of said County, & a copy of which is here filed marked "H". The rents and profits of this land will not in 5 years reimburse any of said judgments.

It is proper for your orator to state that when this money is collected belonging as it does to the Estate of Susan P. Willis that it will be for distribution among her heirs of whom the said J. S. Willis is one and whatever sum he is entitled to receive as a distributer of said Estate ought to be credited on his indebtedness to said Estate when he presents to said Administrator a receipt which will constitute to him a proper voucher. Now the object of this bill is to enforce the



lien of said judgments against the  
real estate owned by said J S Willis  
and to subject the same to sale for that  
purpose, but to effect this, can only  
be done in a court of Chancery your  
Orator prays your Honor to take Cogni-  
zance of his case and grant him  
the proper relief and to this end he  
prays that the said J S Willis be made  
the party Defendant to this bill and  
that he be required to answer to sev-  
eral allegations on Oath, That upon  
a final hearing that the lien of your  
Orators Judgment be enforced against  
said land and it sold to satisfy the  
same and for such other further relief  
special and general as is suited to  
his case May A plea issue to.

Richmond Duncan Torr

Atty for Plff



Diff's cost

\$15.00 (paid by owner)

\$15.00

Leo C 1.35

\$31.87

Estimate 10.00

Net due by acct. 5.02

Estimated 9.30  
\$14.32

P. of debt 472.40  
Ad to by 788 15.00  
Cost of suit 41.81  
Com. of sale 19.60  
549.49

Two: S. Cely Sam

vs 3 Rice in shop

J. S. Willis

1885 May Bill filed

" June Spa and Oct.

" July Court 00.

" Aug. D. Nisi Conf'd

" Nov. Continued

1886 Continued this year

1887 " " "

1888 March Decree & costs

" Casata bal Year

1889 " this year

1890 " " "

1891 " " "

1892 " " "

1893 March Court

" June Decree

final D.D.

480

Cash on costs 20.00  
Hwy 24.80



To the Hon. John A. Kelly  
Judge of the Circuit Court of  
Lee County Va.

~~The~~ separate answer of J. P.  
Willis to a bill filed in this  
Honorable Court against him by  
Thomas S. Ely admr.

Respondent does not deny  
that the plff has and holds  
the judgment against him  
set out in his bill. But re-  
spondent avers that in all of the  
judgments obtained by the plff  
he is a legal distributee and en-  
titled to one fourth part of each  
and the money thus sought to be  
enforced against him, is  $\frac{1}{4}$  of  
the same and its interest due this  
respondent as distributee and  
the same should not be called  
from him. The plff as the  
admr of Susan P. Willis is also  
due this respondent a considerable  
sum of money which should  
go as a credit upon these  
matters; and when fully as-  
certained he is willing to account  
for his full share. Respondent  
avers that when the plff shall



fully settled his account of these  
estates in which respondent is  
a distributee there will be  
but a small amount if any  
thing due the plff. The plff  
himself or his father is a dis-  
tributee, and he owes in his  
individual capacity a consider-  
able amt to said estates.

Respondent should his plea  
be overruled in this Court pray  
an account and ascertain-  
ment of the matter between  
himself & the plff and when fully  
ascertained it will be time  
enough for the plff to sue  
respondent's law. And having  
now fully answered he prays to  
be dismissed with his costs.

A L Pridmore  
for deft.

Sworn to before me in due form  
by J. S. Willis Aug. 27<sup>th</sup> 1885.  
J. A. S. Hyatt & Co



J. P. Willis

ack { answer.

Thomas S. Ely adms



Thomas S Ely

vs.

J. S. Willis

This cause came on this day to be finally heard on the papers heretofore read, and the Plaintiff admitting in open Court that the debt in the bill and proceedings mentioned has been fully paid, the said Cause is stricken from the docket.



Thomas S. Eely  
vs.  $\frac{1}{2}$  Deane fund.  
L. S. Willis

Entered on Chy O. B.

Page 480.

June 7, 1893

John A. & Lyall C

Enter this decree

H. S. W. C.

June 7<sup>th</sup>, 1893.



D. C. Willis.

Plff

vs

3 Inshy

Thomas S Ely

Adm & Dfts

and

Thos. S. Ely Adm &

Plff

vs

3 Inshy

J. S. Willis

Dft

These causes came on again this day to be heard upon the papers formerly read, and the report of E. W. Pennington Commissioner and exceptions thereto, and was argued by counsel on each side whereof said exceptions 1 & 2 are overruled, and exception no. 3 is by consent sustained and Commissioner by like consent was directed to amend his report in accordance with said exception no 3, and said amendment was made by said Commissioner at bar, on consideration whereof said report and statements as amended is approved and confirmed. And it is therefore adjudged ordered and decreed that the plaintiff D. C. Willis recover of T. S. Ely Adm of Susan P Willis deceased the sum of two hundred and three



dollars & Twenty six cents with interest thereon from the 19<sup>th</sup> day of July 1887 till paid and the costs of this suit to be taxed by the Clerk for which execution may issue And it appearing to the Court that said Ely as ~~Adm~~ has one paid, W. R. Bales guardian for James S. Willis Minor heir of W. A. Willis deceased the sum of \$22.61 it is adjudged ordered and decreed that he receive that sum from the said Bales as guardian as aforesaid with interest thereon from the 19<sup>th</sup> day of July 1887 till paid. And it is further adjudged ordered and decreed that the said Thomas S. Ely Plaintiff in the second styled cause receive of the defendant in said cause, J. S. Willis, the sum of four hundred and seventy two dollars and 43 cents with interest thereon from the 19<sup>th</sup> day of July 1887 till paid and the costs of said suit to be taxed by the Clerk, and it further appearing to the Court that said sum of \$472.43 is a lien upon the lands in the bill and proceedings in said cause mentioned



it is further adjudged ordered  
and decreed that unless the said  
J. S. Willis or some one for him  
shall pay to the Plaintiff Thomas  
S Ely said sum of \$472<sup>43</sup> with its  
interest and the costs of this suit  
within 30 days from the adjourn-  
ment of this court, then C. T. Duncan  
who is appointed a special com-  
missioner for the purpose shall  
proceed to sell the lands in said bill  
mentioned or enough thereof to pay  
the same, together with the costs of suit  
and costs and commissions of sale.  
Said sale shall be made at the front  
door of the Court house of Lee County  
on a court day, but before proceed-  
ing to sell said commissioner will  
execute bond before the Clerk of this  
Court in a penalty of \$1000.00 and  
shall be bound to account for all sums re-  
ceived by him; he will also advertise  
the time terms and place of sale  
by posting written notices thereof  
at three or more public places in  
said County, one of which shall be  
on the Court house door and another  
in the neighborhood where said  
land lies said commissioner

It said bill shall be an affidavit of due five and three years as well interest  
from date of debt for a sum sufficient to pay costs of suit and costs and  
commissions of sale, but before appearing said land for sale said  
commissioner will offer said land for renting and if it will meet  
over security in five years to pay said debt interest & costs the will accept  
the same, taking good security for said suit and costs and costs and costs  
and costs and costs.



will report his action from time to time and said second named cause is continued and there remaining nothing further to be done in the first named cause is stricken from the docket.

Willis  
 vs.  
 Ely and } Deane  
 Ely }  
 vs.  
 Willis  
 Entered page 100 v /  
 C. D. No. 3.  
 C. D. No. 3.  
 C. D. No. 3.

Enter this decree

Dec 8<sup>th</sup> 1884

K. L. K. M.



J. S. Kelly Admin. &c.

Plff

vs

J. S. Kelly

J. S. Willis.

Def

This cause came on again this day  
to be heard upon the papers formerly read,  
and the report of renting made by Lewis  
C. T. Dunsen and filed on the 15<sup>th</sup> day of  
March 1888 and was argued by counsel  
and it appearing to the Court that said  
renting <sup>is for a sum sufficient to</sup> settle said debt interest and cost  
and that there are no exceptions to said report  
the cause is confirmed and the cause  
is continued



J. S. Ely Adm<sup>r</sup> to  
vs  $\frac{3}{4}$  Leavie  
J. S. Willis

Enter this decree

Apr 3<sup>rd</sup> 1888



To the Hon. H. S. Morrison Judge of the  
Circuit Court of Lee County.

The undersigned special commiss  
sioner in the Chancery cause of J. S. Ely Sum  
vs. J. S. Willis would respectfully report  
to your Honor that pursuant to the decree en  
tered in this cause on the 8<sup>th</sup> day of December  
1887, he on the 7<sup>th</sup> day of February 1888, offered  
the land in the bill and proceedings in said  
cause mentioned for rent at the front door  
of the Court <sup>room</sup> that being Court day, for a term  
long enough, to satisfy said debt interest and  
costs, when J. S. Willis offered to pay said debt  
interest and costs for the use of said land,  
for the term of five years, that being the best  
bid it was accepted.

Your Commissioner ascertained said debt  
principal and interest to the 7<sup>th</sup> day of February  
1888 to be \$488.02 and for this sum the said  
Willis executed his note bearing interest from  
date payable in equal annual installments  
with A. L. Pridemore as security. This note is  
perfectly good and herewith filed marked "1"

The costs as taxed by the Clerk is \$31.87

Estimated costs	10.00
-----------------	-------

Commissions of sale	19.60
---------------------	-------

Total -	\$61.47
---------	---------

This sum is required by the decree to be  
paid down but only \$20. of it has been  
paid but Mr Willis promises to pay it  
very soon. Renting should be confirmed

March 15<sup>th</sup> 1888. Respectfully submitted

C. J. Dunsen, Commissioner.



J. S. Ely, Amherst.  
No. 4 Report of nursing  
J. S. Ely's

Filed March 15/1888  
J. S. Ely & Co.



Virginia

Lee Circuit Court. Apr. 2<sup>d</sup> 1884

Shos. S. Ely & Son. H. A. Willis Plffs

Against

J. S. Willis

Def.

In Debt

+ + + Judgment for \$35.00 with  
legal interest from 4<sup>th</sup> Decr. 1874 till  
paid and the Costs.

Copy Teste -

J. F. Hyatt C. C.

C 6.00 -  
S .50  
+ 2.50  
20 25  
\$9.30



Spec. S. Ely & Co  
Extract of  
no 3 Judgment  
J. S. Willis

"A"



Virginia

At a Circuit Court, Contd  
and held for the Mr. 31<sup>st</sup> 1884

Thos. S. Ely Adm<sup>r</sup> Wm. A. Willis' Efft

versus

(Indebit

J. S. Willis and W. R. Boles Adpts)

The Defendants not appearing

It is considered by the Court that the  
Judgment obtained in the Clerk's office  
against them in favor of the Efft for  
\$36.45 + + with legal interest thereon

6 6.05 - From 6<sup>th</sup> Aug 1884, till paid and the

3 .50 Costs see made paid Cr. \$20.<sup>00</sup> paid

4 - 2.50 by W. R. Boles Decr. 30/883.

Colo. 25  
\$9.30

A Copy Lest

J. A. Hyatt CC



Proc. S. Elec. Soc.  
2 Copy of  
no 2 Judgment  
J. S. Miller & N. R. Bates

"B"







✓ 18  
1. C. Oly. Adm. &  
25 Copy of Judge  
G. C. Miller

See for by 20



1881  
Aug 26

Lee 1881  
A. Court Aug 27

Wm F. Polk of Lee Co. Va. vs  
J. S. Polk

Henry Garrison vs S. Willing Lee Co. Va. vs J. S. Polk

Redemption of \$48.54 with legal  
interest thereon from the 3rd day of

May 1881. All paid and the cost

A \$50 & 55 20 Co. L. 25. - \$ 50  
A coin value John R.



P. J. Con

20 Copy of Budget  
Thilo Wermack et al

See for this copy. 3.03



1884	Lee circ 1884	Thos. S. Cely Admr of W. A. Willis of Lee Co. Va.	Plff	Judgment for \$36.45 with legal interest thereon from the 6th day of August 1874 till paid & the cost to 4.61 \$1.00 A. 2.50 C. 0 C. 25.
Mch 26	Court Apper	vs J. S. Willis & W. R. Bales of Lee Co. Va.	Def	
A copy to John C. Libbards				



J. J. C.  
J. J. C.  
W. J. C. Judge  
J. J. C. C.

---

Dec 2, 1883



Virginia

Lee Circuit Court Apr. 1<sup>st</sup> / 885.

Thos. S. Ely et al v. W. A. Willis. Deft.

vs.

J. S. Willis

Deft

In  
Debt

# # # Judgment for \$21780-  
with legal interest from the 11<sup>th</sup>  
day of October 1868. till paid  
+ the Costs. # Or July 4<sup>th</sup> / 883 & 91.

Q 523

8 50

A 250

C 6.25)

\$8.48

77.

Copy Certificate

J. A. Hyatt & Co



Thos. S. Ely & Co  
Extract of  
vs Judgment  
J. S. Ellis

"S"

No.  
This deed made the 17th day of February 1875  
between James R. Ely and Sarah Ely his wife  
of Lee County Virginia and Alexander Ely Jr.  
of Lamar County, was by Albert S. Hubbard  
of Lee County Virginia an attorney in fact  
of the one part and Jeremiah Shelton Miller  
of Lee County Virginia of the other part  
Witnesseth that for and in consideration  
of the sum of twelve hundred dollars  
the receipt of which is hereby acknowledged  
the said James R. Ely and Sarah Ely his  
wife and Alexander Ely Jr. by Albert S.  
Hubbard his attorney in fact  
have this day granted bargained sold and  
conveyed to the said Jeremiah S. Miller a certain  
tract or parcel of land lying and being on  
the river road about five miles to the west  
of Jonesville in Lee County Virginia supposed  
to contain about one hundred and ten acres  
be the same more or less and bounded by the  
land of Caleb Ewing on the east and with his  
lines to the river and thence down the river  
to an entry made by Alexander Ely Jr. and  
with the line thereof to Francis Holladay's land  
and with lines thereof to Alexander Ely Jr. land  
and north lines thereof and Thomas S. Ely's line  
to an entry made by Alexander Ely, Sr. and  
between S. Ely and with the western line



of said entry and the western line of the  
parsonage lot to said George Lewis house  
together with all the appurtenances be-  
longing to the same to have and to hold  
the same forever unto the said James R. Ely  
& Sarah Ely his wife & further hereby convey  
to the said Jeremiah S. Miller all the right and  
privilege of a copyholder of being ten shilling  
on said land. What was conveyed to the said  
James R. Ely by Alexander M. Ely said spring  
said spring being on the said parsonage lot  
And the said parties of the first part do  
hereby covenant to and with the said Jeremiah  
S. Miller that they will and do hereby warrant  
generally the tract of land hereby conveyed  
against the claims of all persons whatsoever  
except that the said Alexander M. Ely  
S. Woodward is not to be individually or personally  
held out of his own estate by reason of the  
warranty contained in this deed. Witness the fol-  
lowing signatures & seals.

James R. Ely    Seal

Sarah Ely    Seal

Alexander M. Ely Jr    Seal

By Elbert S. Woodward

his attorney in fact.

Virginia Lee County Court clerk's office the 10th day of  
March 1875. The foregoing was read James R.



Elizabeth B. Ely his wife Alexander M. Ely  
for of the one part to Jeremiah Hillier  
of the other part was this day acknowledged  
before me by Elbert S. Woodward attorney in fact  
for the said Alexander M. Ely to be his act  
and deed for the purposes therein mentioned.  
James W. Orr Clerk

Virginia Lee County Court clerk's office the 10<sup>th</sup>  
day of June 1876. The foregoing deed from James  
B. Ely & Sarah B. Ely his wife and Alexander  
M. Ely for by Elbert S. Woodward his attorney  
in fact of the one part to Jeremiah Hillier  
of the other part was this day acknowl-  
edged before me by the said James B. Ely  
& Sarah B. Ely his wife to be their act and  
deed for the purposes therein mentioned  
and the said Sarah B. Ely wife of the said  
James B. Ely being examined before me privately  
and apart from her husband  
and having the deed above fully explained  
to her she the said Sarah B. Ely acknowledged  
that she had willingly signed and executed  
said deed and did not wish to retract it  
Given under my hand the day & year aforesaid  
James W. Orr Clerk

Attest

John R. Gibson Clerk



J. C. Miller  
From Copy of Book  
D. R. Ely at 1843

"  
H

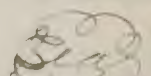
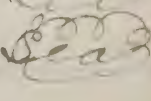
See for the copy 1843



Know all men by these presents that we C. T. Duncan and Thos. S. Ely are held and firmly bound unto the Commonwealth of Virginia in the full sum of one thousand Dollars and for the prompt payment thereof we each bind ourselves heirs &c and we as to this bond waive our former stead exonerations witness our hands and seals this 7<sup>th</sup> day of June 1888,

The conditions of the above bound obligation is such that whereas the above bound C. T. Duncan was appointed a Comr. in the Chancery Cause of Thos. S. Ely Admr. &c vs J. S. Willis at the Nov. Term 1887, and directed to rent or sell the lands in the Bill mentioned

Now therefore should the above bound C. T. Duncan faithfully perform the duties assigned him & properly account for all sums of money he may receive as such Comr; then this obligation to be void otherwise to remain in full force & virtue.

C. T. Duncan   
Thos. S. Ely 



Shos. & Ely Ann  
vs ~~Wm~~ Bond

J. D. Willis

Filed 9<sup>th</sup> day of  
January 1854.

J. A. S. Hyatt



Received of C. T. Duncan Commissioner in the  
Chancery Cause of T. S. City Bank & Co vs  
J. S. W. our note for \$488.02, executed by J. S.  
Willis with A. D. Pridemore as security bear-  
ing interest from date and payable in five  
equal annual installments in discharge  
when fully paid of the debt incurred to me  
in said cause and in full discharge of  
said Commissioners liabilities. Given  
under my hand this 1st day of May 1888

Thos. S. City Bank of  
Susan P. & Wm A Willis deans

J. S. Ely Sam  
7. 4 Rept.  
C. T. Dunsen Com



J. S. Willis  
advs } In chy on plea.  
Thomas S. Ely adv

The defendant in this cause for plea says, himself David C. Willis, the plff and his wife, J. S. Willis Jr. and Wm R. Boles and wife, are the heirs at-law and distributees of the estates of Wm A. Willis, & Susan P. Willis deceased, that the plff is the administrator of each of these estates, and that David C. Willis, heretofore filed and has pending now in this Hon. Court a bill in Chancery in which the plff in this cause and the defendant are parties defendants; that said bill has for its object the distribution of said estates after their full ascertainment, of which the judgments here sought to be enforced are part; And that the said David C. Willis & Thomas S. Ely have now agreed to submit the settlement of these estates to the arbitration & award of H. J. Morgan before whom said account is soon to be taken - And where as he alleges the judgments said or should be properly settled? And the defendant avers that the plff



had full knowledge of these facts  
at the time and long before the in-  
stitution of the press, suit. And thus  
he is ready to verify when &c.

A. L. Prielesmore  
Proprietor.

J. D. Willis

Ady J. Prielesmore

Thomas J. Ely



# The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

WE COMMAND YOU to summon

*J. S. Willis*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday in

*June* next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against  
him, by *Thos. S. Ely, Admr. Debonis now*  
*of Susan P. Willis dec'd*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House,

this *9th* day of *May*, 188*5*, in the 10*9* year of the Commonwealth.

*J. A. G. Hyatt*, Clerk.

A Copy---Teste:



R. D & P

Geo. S. Ely & Son

no 3 Spainchey

J. S. Willis

To June Rules 1885

Executed by handing  
J S Willis a true  
office copy of the  
within S & Gung & S.  
for R. S. Flanery J. F. G.  
May 15th 1885